

**TEXAS DEPARTMENT OF AGRICULTURE
AND
Gold Star Foods, Inc.**

AMENDMENT NO. 1

**CONTRACT NO. 551-22-03361-00-FND
COMMERCIAL WAREHOUSE AND FOOD DISTRIBUTION SERVICES
OF USDA FOODS
Region 5**

I. PARTIES

The Texas Department of Agriculture (“TDA”), an agency of the State of Texas, and Gold Star Foods, Inc. (“Contractor”), located at 3781 Airport Drive, Ontario, CA 91761, (collectively referred to as the “Parties”), agree to amend Contract No. 551-22-03361-00-FND, Standard Contract for Commercial Warehouse and Food Distribution Services of USDA Foods (“Contract”), executed February 2, 2022, to provide services as described in TDA’s Request for Proposal (RFP) No. 551-22-03361 issued on December 21, 2021, and Contractor’s response thereto.

II. PURPOSE

Pursuant to the Contract, the purpose of this Amendment No.1 is to revise the food delivery rates due to significant changes in volume and/or services.

III. CONTRACT DOCUMENTS

Collectively, the original agreement signed on February 2, 2022, and this Amendment No. 1, including the attached Form J Schedule of Rates for Delivery Service are herein referred to as the “Contract.”

IV. RATE SCHEDULE AND PAYMENT UNDER THE CONTRACT

Contractor shall deliver USDA Foods pursuant to the Contract at the delivery rates approved by TDA for Region 5, and Contractor shall be paid by the applicable regional Contracting Entity (CE) according to the approved specified rates for the region, as set forth in the attached Form J, Schedule of Rates for Delivery Service.

V. CONFLICT OF TERMS

If there is any conflict or inconsistency among terms, the Contract as amended, followed by TDA’s RFP terms and conditions, shall control.

VI. FORCE AND EFFECT

Except as amended herein, the Contract shall remain in full force and effect throughout the contract term.

VII. EFFECTIVE WHEN EXECUTED

This Amendment No. 1 is not effective unless and until it is signed by authorized representatives of TDA and Contractor.

VIII. NO WAIVER

The Parties agree that the execution of this amendment does not waive any requirements, terms or conditions of the Contract, or any other independent benefits, rights, remedies, or other claims which may be available to TDA or the state, whether legal or equitable.

Accepted and agreed:

TEXAS DEPARTMENT
OF AGRICULTURE

BY: 
Lena Wilson
Assistant Commissioner
Food & Nutrition

Date: 7-19-22

GOLD STAR

BY: 

Name: C. Scott Salmon

Title: CAO & Secretary

Date: 7-19-22

Attachment A

Schedule of Rates for Delivery Service

Form J

RATE SCHEDULE CHART

Schedule 0	
Case (s)	Delivery Rates
1	164.49
2	82.25
3	54.83
4	41.12
5	32.90
6	27.42
7	23.50
8	20.56
9	18.28
10	16.45
11	14.95
12	13.71
13	12.65
14	11.75
15	10.18
16	10.18
17	10.18
18	10.18
19	10.18
20	10.18
21	10.18
22	10.18
23	10.18
24	10.18
25	10.18
26	10.18
27	10.18
28	10.18
29	10.18
30	10.18
31	10.18
32	10.18
33	10.18
34	10.18
35	10.18
36	10.18
37	10.18
38	10.18

Co. Name: **Gold Star Foods**

43	10.18
44	10.18
45	10.18
46	10.18
47	10.18
48	10.18
49	10.18
50	10.18
51	10.18
52	10.18
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96	10.18
97	10.18
98	10.18
99	10.18
100	10.18
150	10.18
200	10.18
250	10.18
300	10.18
350	10.18
400	10.18
450	10.18
500	10.18
600	10.18
700	10.18
800	8.87
900	8.87
1000	8.87
1200	8.87
1400	8.87
1600	8.87
1800	8.87
2000	8.87
2000+	8.87

Attachment A

39	10.18
40	10.18
41	10.18
42	10.18

81	10.18
82	10.18
83	10.18
84	10.18